

CAUSE NO. 15-DCV-225745

BRYAN BYRD	§	IN THE DISTRICT COURT OF
	§	
v.	§	
	§	FORT BEND COUNTY, TEXAS
MICHAEL T. MAYES AND	§	
CELADON TRUCKING SERVICES, INC.	§	240 TH JUDICIAL DISTRICT

DEFENDANTS MICHAEL T.MAYES AND CELADON TRUCKING SERVICES,
INC.'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION,
REQUEST FOR DISCLOSURE & JURY DEMAND

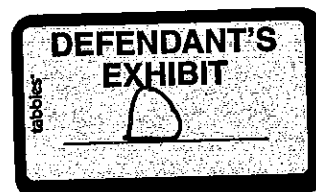
COME NOW, Defendants, Michael T. Mayes and Celadon Trucking Services, Inc. (hereinafter referred to as "Defendants"), in the above-entitled and numbered cause and files this their Original Answer to Plaintiff's Original Petition. In support of same, Defendants would respectfully show unto this Honorable Court the following:

I.
GENERAL DENIAL

Pursuant to TEX. R. CIV. P. 92, Defendants enter a general denial of the matters pled by Plaintiff and demands strict proof thereof that this claim be denied and dismissed in its entirety.

II.
COMPARATIVE FAULT

Specially answering, Defendants state that on the occasion in question, Plaintiff, BRYAN BYRD, failed to exercise that degree of care which a person of ordinary care would have exercised in the same or similar circumstances, and that such failure proximately caused the alleged injuries.



**III.
PAID VS. INCURRED**

Pleading further, Defendants, still urging and relying on the matters set forth above, asserts that to the extent Plaintiff's medical specials exceed the amount actually paid on a Plaintiff's behalf, Defendants assert the statutory defense set forth in Section 41.105 of the Texas Civil Practice & Remedies Code. Therefore, recovery of medical or healthcare expenses incurred by Plaintiff is limited to the amount actually paid by or on behalf of a Plaintiff.

**IV.
WAGES TAXABLE**

To the extent that Plaintiff is alleging lost wages or loss of earning capacity as a result of the accident in question, Defendants would show that such recovery is limited to post-tax earnings or net earnings figured pursuant to the Texas Civil Practices and Remedies Code and other applicable statutes and/or case law.

**V.
REQUEST FOR DISCLOSURE**

In accordance with the Rule 194 of the Texas Rules of Civil Procedure, Defendants hereby propounds Requests for Disclosure upon the Plaintiff.

**VI.
JURY DEMAND AND PAYMENT OF JURY FEE**

Pursuant to TEX. R. CIV. P. 216, Defendants hereby demand a trial by jury. Payment of the jury fee is attached.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants, MICHAEL T. MAYES and CELADON TRUCKING SERVICES, INC., prays that Plaintiff, BRYAN BYRD, take nothing by virtue of his claims and causes of action against Defendants, that Defendants recover their attorney's

fees and costs of court, and for such other and further relief, whether general or special, legal or equitable, to which Defendants may show that they are justly entitled to receive.

Respectfully submitted,

BAIRHILTY, P.C.



RONALD L. BAIR

State bar No. 01554900

WENDI ERVIN

State bar No. 06651220

14711 Pebble Bend Drive

Houston, Texas 77068

Telephone: (713)862-5599

Facsimile: (713)868-9444

Email: rbair@bairhilty.com

Email: wervin@bairhilty.com

ATTORNEYS FOR DEFENDANTS,

MICHAEL T. MAYES AND

CELADON TRUCKING SERVICES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all known counsel of record in the manner required by the Rules, on this the 11th day of September, 2015.

Brian L. Jensen
B.L. Jensen, L.P.
6750 West Loop South, Suite 800
Bellaire, Texas 77401

via Facsimile: 713-665-6818



Ronald L. Bair

Wendi R. Ervin

I, Annie Rebecca Elliott, District Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true, correct and full copy of the instrument herein set out as appears of record in the District Court of Fort Bend County, Texas.
This 17 day of September 20 15



ANNE REBECCA ELLIOTT, DISTRICT CLERK

By Sonny Garcia Deputy

Sonobio "Sonny" Garcia